

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ALAN MCCORMACK,

Petitioner,

v.

Case No. 04-CV-1095

JODINE DEPPISCH,

Respondent.

ORDER STAYING TIME TO RESPOND

Alan David McCormack filed a petition for a writ of habeas corpus on November 10, 2004. A preliminary examination of the petition was made under Rule 4, Rules Governing Section 2254 Cases and on February 8, 2005, the court ordered the proceedings stayed in order to allow McCormack to file a post-conviction motion in the Wisconsin state court. Then, in July 2006, the petitioner filed a motion to amend his petition which the court granted in an order dated January 3, 2007. The court ordered the amended petition be served upon the respondent and further ordered the respondent to answer grounds one through six of McCormack's petition within 30 days after service of the petition. All parties have now consented to the jurisdiction of the magistrate judge.

On February 5, 2007, in place of its answer, the respondent filed a motion to dismiss along with a motion to stay the time to answer the petition pending a resolution of its motion to dismiss.

NOW THEREFORE, IT IS ORDERED that the respondent's motion to stay the time to file its answer is **granted** pending the court's resolution of the motion to dismiss.

IT IS FURTHER ORDERED that the petitioner respond to the motion to dismiss no later than **February 26, 2007**; the respondent shall file any reply no later than **March 12, 2007**.

SO ORDERED.

Dated at Milwaukee, Wisconsin, this 9th day of February, 2007.

BY THE COURT:

s/AARON E. GOODSTEIN
United States Magistrate Judge